

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANDREW SANDERSON,

Plaintiff,

v.

THE BURLINGTON NORTHERN &  
SANTA FE RAILROAD, a Delaware  
Corporation,

Defendant.

NO. CV-05-5030-EFS

**ORDER GRANTING STIPULATION FOR  
DISMISSAL OF COUNTS TWO AND  
THREE OF PLAINTIFF'S COMPLAINT**

On May 16, 2006, the parties filed a joint Stipulation for Dismissal of Counts Two and Three of Plaintiff's Complaint ("Stipulation") pursuant to Federal Rule of Civil Procedure 41(a). (Ct. Rec. 33.) In their Stipulation, the parties agree that Count Two (Federal Locomotive Inspection Act claim) and Count Three (Federal Safety Appliance Act claim) of Plaintiff's Complaint for Damages (Ct. Rec. 11) are not factually supported and request that they be dismissed, without prejudice or costs to either party. Accordingly, because all parties who have appeared in this action have signed the Stipulation, Counts Two and Three of Plaintiff's Complaint for Damages (Ct. Rec. 11) are dismissed. Furthermore, because Defendant's Motion for Partial Summary Judgment (Ct. Rec. 21) only relates to Plaintiff's Federal Locomotive Inspection Act and Federal Safety Appliance Act claims (Counts Two & Three) and those

1 claims have now been dismissed, the Court denies as moot Defendant's  
2 Motion for Partial Summary Judgment (Ct. Rec. 21).

3 **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulation for Dismissal of Counts Two and Three  
5 of Plaintiff's Complaint (Ct. Rec. 33) is **GRANTED**.

6 2. Defendant's Motion for Partial Summary Judgment (Ct. Rec. 21)  
7 is **DENIED AS MOOT**.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
9 this Order and provide a copy to counsel.

10 **DATED** this 24th day of May, 2006.

11 S/ Edward F. Shea

12 EDWARD F. SHEA

13 United States District Judge

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